

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, JANUARY 25, 2016, AT 7:00 P.M.,
4th FLOOR, CAFETERIA, GOVERNMENT CENTER BLDG.,
888 WASHINGTON BLVD., STAMFORD, CT**

Present for the Board: Barry Michelson (Secretary), Rosanne McManus, William Morris, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief, David Killeen, Associate Planner.

Acting Chair Michelson called the meeting to order at 7:100 p.m. in the absence of Chairman Mills.

PUBLIC HEARING

1. **Application 215-33 – 10 RUGBY STREET, LLC, Text change,** to Amend Article II, Section 3-A definitions to add two new definitions (28.5) for Demolition Material Recycling and (28.6) Demolition Material Recycling Facility within the M-G General Industrial District and such use shall be approved by Special Exception of the Zoning Board, subject to special standards identified in the proposed definition, only as an interim use for an initial period not to exceed five years.

Acting Chair Michelson read the description into the record.

Mr. Morris read the Planning Board comments from their January 19, 2016 meeting into the record, recommending Zoning Board approval.

Acting Chair Michelson seated alternate member, Joanna Gwozdzowski, to sit in place of Mr. Mills.

Richard Redniss made a presentation for this application and introduced his team, which included Ray Mazzeo of his staff and Attorney Thomas Cassone.

Mr. Redniss began by entering into the record an email from Attorney James Minor of the City's Law Department to Norman Cole and David Stein dated July 26, 2015 addressing the question of whether or not the current application is a significant enough change as described under Section 6-40-8 of the City's Charter. Mr. Redniss explained the changes that have been made since the last application (which was denied by the Board [212-23]). The current application addresses concerns expressed at the time by the Zoning Board and the public. He then explained the proposed text change, explaining it was designed to provide better protection for neighbors and limit the number of locations in Stamford; reduce noise, dust and vibrations; and clarify that no rock crushing is permitted; and modify the hours of operation.

Mr. Michelson asked how this use is different from the use in the prior application.

Mr. Redniss referred to his presentation.

Mr. Cole asked where larger pieces of concrete (over 4") will be broken down to fit into the crusher.

Mr. Redniss stated that would be done off-site.

Mr. Cole stated that this use needs to be the sole use of the property.

Mr. Redniss agreed.

Ms. Gwodziowski asked what other property was eligible to use this text.

Mr. Redniss stated that the Malozzi property on the corner of Belden Street and Manor Street was the other property.

Mr. Michelson asked how the stay was granted allowing crushing to continue while this case was under appeal.

Attorney Cassone stated that the trial court considered the equities and granted the stay.

Mr. Michelson asked Attorney Cassone about an injunction issued by the court, and Attorney Cassone denied the court issued such an injunction.

Mr. Michelson asked if Attorney Cassone could explain an “interim zone” with a use that expires?

Attorney Cassone stated that the Master Plan is trying to transition industrial uses out of the South End in contrast with property owners who have existing land use rights.

Attorney Cassone then suggested language that could be inserted into the proposed text change to make this the exclusive use of the site.

Mr. Stein asked the applicant to submit an updated version of the proposed text change to include the revisions discussed at tonight’s Public Hearing.

Mr. Michelson asked for a copy of the trial court’s decision to be forwarded to the board as well.

Mr. Michelson asked if there was anyone in the audience that wanted to speak in favor or in opposition to this application.

Ed Czescik - 84 Mayflower Avenue: Mr. Czescik identified himself as a lifelong resident of Stamford and past resident of the South End. He explained that he has a small business that utilizes the services of Mr. Vitti, and he asked the Board to act favorably on the application, noting that it would increase his costs if Mr. Vitti’s business was not in operation. He would have to travel to Norwalk, and his costs would have to be passed along to his customers who are taxpayers in Stamford.

Mr. Morris asked if the staff had received other comments from neighbors. Mr. Killeen responded no.

Mr. Redniss stated that the application was properly noticed in the Advocate.

Acting Chair Michelson closed the Public hearing on this application.

Mr. Michelson then called for a brief recess at 8:14 p.m.

Meeting was called back to order at 8:27 p.m.

PUBLIC HEARING (continued from January 11, 2015)

1. **Appl. 215-02 - THE STRAND/BRC GROUP, LLC - Text Change:** To Amend Article III, Section 9(J)(5)(b) of the SRD-S District to increase permitted non-residential floor area ratio (FAR) from 0.20 to 0.23.
2. **Appl. 215-03 - THE STRAND/BRC GROUP, LLC - Washington Blvd./Bateman Way, Amend GDP:** Requesting approval to amend the General Development Plan (GDP) for Harbor Point, originally approved as Application 206-57, by: 1) removing the note on the plan stating “maintain existing boat storage operation” and adding a note to read “Block P7 Permitted Uses: Office and Retail, Public Access, Marina, Parking” and 2) deleting the language of approval Condition #7 and replacing it with “Subject to SRD regulations, any future final site plan application, for full development of the 14 acre site, shall include a marina and public access improvements which shall be subject to review and approval of the Zoning Board.” in the SRD-S district, and to seek Coastal Site Plan Review of these amendments.
3. **Appl. 215-04 - SOUTHFIELD PROPERTY, LLC - Text Change:** To Amend Article III, Section 9AAAA DWD Designed Waterfront Development District standards regarding maximum building height, minimum front setback, retention of existing structures and exemption of Water Dependent Uses from the calculation of building coverage, ground coverage, public access, preservation of visual resources and landscaping.
4. **Appl. 215-05 - WATERFRONT OFFICE BUILDING, LP - Map Change:** Requesting approval to amend the Zoning Map to change from CWD to DWD for approximately 8.15 acres of property known as Stamford Landing and identified as 46, 62, 68 and 78 Southfield Avenue, Block #25.
5. **Appl. 215-06 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP - 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street - Special Exception, General Development Plans and Coastal Site Plan Review:** Requesting approval of special exceptions and General Development Plan to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone. Special Exceptions being requested for proposed uses and development of the project and to establish a DWD district and to provide residential, retail and office and a boatyard/marina use and general public access.
6. **Appl. 215-07 - SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP - 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street - Final Site and Architectural Plans & Requested Uses, Special Exception and Coastal Site Plan Review:** Requesting approval of Final Site & Architectural Plans, Special Exception and Coastal Site Plan Review to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone.
7. **CSPR-978 - WATERFRONT MAGEE, LLC - 205 Magee Avenue:** To provide winter boat storage on 3.5 acres in M-G zone, temporary parking, no utilities and no equipment storage.

Attorney Reed Super, representing Soundkeeper, Inc., made a PowerPoint presentation to the Zoning Board providing his interpretation of the City’s Zoning Regulations and the CAM Act concerning these proposed applications.

Attorney super provided information on the history and purposes of the Soundkeeper, Inc. and noted that they had been an intervenor on various BLT Boartyard applications since 2013.

He questioned the current status of Ms. Gwodziowski on the Board since he noted that her term has expired.

Attorney Super then discussed Condition #7 of the General Development Plan (GDP) approval for the 14-acre parcel. He stated the condition should not be modified but it should be enforced. He cited that one of the purposes of the SRD-S Regulations is to give highest priority to the preservation of existing, viable water-dependent uses. He noted that Rives Potts had testified that Brewer's Yacht Haven West had been profitable and wants to come back to the site. He went on to explain there is no balancing of water-dependent uses against economic considerations under the CAM Act. BLT has stated that it is not required to operate the replacement boatyard. He stated that the applicant's market study is faulty. Other testimony has been submitted, favoring larger boats, which draws from a large regional area.

Attorney Super then discussed the proposed boat storage at 205 Magee, which is land locked. He feels that Davenport Landing has safety issues, e.g. barges.

In short, Attorney Super concluded the proposed applications and the proposed boatyard are not "equal or better." He told the Board they should turn down the current applications and restore the boatyard on the 14-acre parcel.

Mr. Morris asked if Attorney Super had stated the market study was to focus on the 14-acre parcel and, if so, why?

Attorney Super said, yes, because the Board needs to determine if the existing water-dependent use is viable.

Mr. Stein asked where the language "equal or better" comes from?

Attorney Super stated it was not from the regulations. The approval/regulations talk about no reduction in a water-dependent use. A reduction has to be justified by a reduction in the market.

Mr. Morris asked if the CAM Act intends to protect water-dependent uses from economic pressures?

Attorney Super said yes, The CAM Act does not state that its policies should be balanced against economic conditions.

Mr. Michelson noted that Davenport Landing is not located within the SRD-S and GDP.

Attorney Super agreed. He commented that, if the boatyard is severed from the GDP, there would be no obligation to operate the boatyard.

There being no further questions, Acting Chair Michelson announced that the Public Hearing on these applications will be continued to February 1, 2016 at 7:00 p.m. in the 4th Floor Cafeteria of the Government Center

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: January 4, 2016 Minutes

After a brief discussion, a motion was made by Ms. McManus to approve the minutes as presented, seconded by Mr. Stein and the motion carried 5 to 0 (Michelson, Morris, Stein, McManus, and Gwodziowski).

Minutes for Approval: January 11, 2016 Minutes

A number of changes were offered by Mr. Michelson. After a brief discussion, a motion was made by Mr. Stein to approve the minutes with the modifications recommended by Mr. Michelson, seconded by Ms. McManus and the motion carried 5 to 0 (Michelson, Morris, Stein, McManus, and Gwodziowski).

PENDING APPLICATIONS:

1. CSPR-995 – FRANGIONE ENGINEERING, LLC, 70 Kenilworth Drive East

Mr. Killeen presented this application and summarized the staff report that had been prepared on January 4, 2016. He explained that the owner was elevating the structure to meet current flood requirements. Applicant had addressed all Coastal Management policies and staff recommends approval with a series of conditions.

After considering this matter, a motion was made by Ms. McManus and seconded by Mr. Stein to approve CSPR #995 subject to the conditions included in the EPB report of January 4, 2016. The motion was approved 4:1 (Michelson, Stein, McManus, and Gwodziowski in favor, and Mr. Morris opposed, since there would be no dry access along Kenilworth Drive East during certain flood events).

The conditions will read as follows:

1) Work shall conform to the following plans/reports:

- *“Foundation Plan,” “Existing First Floor Plan,” “Existing Second Floor Plan,” “Existing Building Sections,” “Existing Exterior Elevations,” and “Existing Exterior Elevations,” Proposed Renovation for Dennis Farrell, 70 Kenilworth Drive East, Stamford, Connecticut, Sheets EXP-1.0 – 3.1, by Andrew Nuzzi Architects, LLC, Stamford, Connecticut, dated September 8, 2014.*
- *“General Notes, Symbols, Legend, Building and Zoning Data,” “Foundation Plan,” “First Floor Plan,” “Second Floor Plan,” “Roof Plan,” “Building Sections A and B,” “Building Sections C and D,” Exterior Elevations, South,” “Exterior Elevations, East and West,” “Exterior Elevations, North,” “Typical Wall Details,” “Typical Deck and Pier Details,” “Typical Crawl Space Pier Details,” “Room, Door and Window Schedules,” First Flood Framing Plan,” “Second Floor Framing Plan,” “Attic Framing Plan,” “Roof Framing Plan,” “First Floor Wind Bracing Plan and Details,” “Second Floor Wind Bracing Plan,” Proposed Renovation for Dennis Farrell, 70 Kenilworth Drive East, Stamford, Connecticut, Sheets L-1.0, DP-1.0-1.2, A-1.0-A-6.0, FP-1.0-1.3 and WB-1.1-1.2, by Andrew Nuzzi Architects, LLC, Stamford, Connecticut, Bid Date October 26, 2015.*

- *“Overall Site Plan,” and “Details and Notes,” Proposed Site Plan Prepared for Dennis Farrell, 70 Kenilworth Drive East, Stamford, Connecticut by Robert Frangione, P.E., dated November 13, 2015.*
- *Correspondence from Robert Frangione, P.E., dated November 30, 2015.*
- *Correspondence from Andrew Nuzzi, AIA, dated November 23, 2015.*
- *“Soil Investigation Report,” 70 Kenilworth Drive East, Stamford, Connecticut, by Otto Theall, Soil and Wetland Science, LLC, dated April 24, 2015.*
- *“Planting Plan for 70 Kenilworth Drive East in Stamford, Connecticut,” by Alexandra Moch, dated November 15, 2015.*
- *“Flood Preparedness Plan for Residents of 70 Kenilworth Drive East, Stamford, Connecticut, Unauthored, Undated.*
- *“Drainage Summary Report,” Property of Dennis Farrell, 70 Kenilworth Drive East, by Robert Frangione, P.E., dated September 28, 2015.*

2) *Prior to the start of any site activity and issuance of a building permit, the design professionals shall revise the following plans/reports to address the following, and submit for EPB Staff review and approval:*

- *Civil Drawings: a) provide the target elevation (base) for all exterior metering and junctions, b) clarify the location of all wall openings and show proposed exterior spot elevations. Elevations/grades shall complement those reflected on architectural drawings, c) review exterior grades and the location/design of openings along the garage to better match the existing garage floor level and improve the efficiency of flood ports/relief, d) provide “floodproof” details of all new or substantially improved underground utilities or sanitary facilities, e) relocate silt fence to the limits of the property, and f) further define the limits of inland wetlands, west of Flag No. 6. Note that if inland wetlands lie within 25 feet of any of the proposed site activities, an inland wetland permit from the EPB may also be required.*
- *Flood Preparedness Plan: a) add date of final coastal site plan review approval, b) provide a better description of depths of flood waters over the parcel and along the route of evacuation, c) supply a better description of the structural floodproofing measures incorporated into the modified dwelling, and d) attach a copy of the final, approved site development plan as a “Figure.”*
- *Architectural Plans: a) provide the target elevation (base) for all exterior metering and junctions, b) amend floodproofing notes A-1.0 to correctly reference minimum elevation standard of 15 feet NAVD-88, c) review exterior grades and the location/design of openings along the garage to better match the existing floor level and improve the efficiency of flood ports/relief. Note that grading and locations/grade of opening should be consistent with those reflected on the civil drawings, and d) confirm strapping details apply to both interior and exterior piping.*

3) *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, drainage, landscaping, professional supervision, and certifications. A detailed estimate of these costs shall be supplied to EPB Staff for approval prior to the submission of the performance surety.*

The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.

- 4) Property boundaries and work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
- 5) Temporary erosion controls and any tree protection measures shall be installed and approved in writing by EPB Staff prior to the start of any site activity.*
- 6) Upon the completion of the modified foundation and prior to framing or replacement of the structure, submission of an interim improvement location survey/data accumulation plan by a Connecticut surveyor to confirm the elevation of the top of unfinished foundation walls, piers, pertinent floors, and the placement/elevation of wall openings, subject to the review and approval of EPB Staff.*
- 7) All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other EPB approved alternatives prior to the issuance of certificate of occupancy. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under any exterior decks, stairs, drives, etc.*
- 8) All final grading, drainage, utilities, final stabilization measures, and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer and land surveyor with an improvement location survey (surveyor) and written certifications (engineer) submitted to EPB Staff prior to the release of surety and signature authorizing the issuance of certificate of occupancy.*
- 9) All floodproofing shall be conducted under the supervision of a professional engineer or architect registered in the State of Connecticut. Upon the completion of the construction, and prior to the release of surety and signature authorizing the issuance of a certificate of occupancy, a Connecticut registered engineer or architect shall certify (signed and sealed correspondence) that the structure and all attendant facilities have been constructed in accordance with the provisions of Section 7.1 of the Zoning Regulations ("Flood Prone Area Regulations"), and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. The letter of certification shall summarize each floodproofing measure incorporated into the building.*
- 10) Upon the completion of the construction and prior to the release of surety and granting of a signature authorizing the issuance of a certificate of occupancy, a Connecticut registered professional surveyor shall:*
 - Certify (signed and sealed improvement location survey) the final elevation of: a) crawl floor level, b) garage level, c) top of the unfinished concrete walls/piers, d) primary living floor/deck level(s), e) the sill elevation, size, make, and exterior grade at all wall openings, f) bottom elevation of all metering, panels, and other similar devices, g) top of any pad/deck supporting a generator or condenser, and h) other facilities as deemed appropriate by EPB Staff.*
 - Complete a standard "National Flood Insurance Program Elevation Certificate."*
- 11) Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a certificate of occupancy, the applicant shall execute and file a standard, City of Stamford "Drainage Facilities Maintenance Agreement" on the Stamford Land Records.*

- 12) *Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a certificate of occupancy, the applicant shall execute and file a standard, City of Stamford "Landscape Maintenance Agreement" on the Stamford Land Records.*
- 13) *Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a certificate of occupancy, the applicant shall file a standard notice on the Stamford Land Records disclosing the following information.*
- *The subject property lies within a known flood hazard area described as Zone AE 14 feet NAVD-88" and VE, 15 feet NAVD-88 as shown on Flood Insurance Rate Map 09001C0517G, dated July 8, 2013.*
 - *A coastal site plan review (70 Kenilworth Drive East, J. Farrell, CSPR-995, 1/16) was issued by the Zoning Board of the City of Stamford to elevate and renovate an existing single family dwelling and make associated site improvements on property known to support or lie proximate to the coastal resources identified as "Coastal Flood Hazard Zone," "Inland Wetland," and "Tidal Wetlands."*
 - *Acknowledge the existence of the revised "Flood Preparedness Plan."*
 - *Restrictions prohibiting uses and/or modifications to the fully enclosed areas below the limits of the minimum elevation standard of 15 feet NAVD-88 as to render them inconsistent with Stamford's Flood Regulations. Specific enforcement provisions for non-compliance shall be included.*
- 14) *In-ground fuel oil storage tanks are prohibited.*

2. Application 215-33 – 10 RUGBY STREET, LLC, Text change

No discussion. The Board confirmed that they would like to receive copies of the final text as discussed during the Public Hearing as well as a copy of the trial court's decision.

3. Appl. 215-02 – THE STRAND/BRC GROUP, LLC, Text change
4. Appl. 215-03 – THE STRAND/BRC GROUP, LLC, Washington Blvd./Bateman Way, Amend GDP
5. Appl. 215-04 – SOUTHFIELD PROPERTY, LLC, Text change
6. Appl. 215-05 – WATERFRONT OFFICE BUILDING, LP, Map Change
7. Appl. 215-06 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Special Exception, General Development Plans and Coastal Site Plan Review
8. Appl. 215-07 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Final Site and Architectural Plans & Requested Uses, Special Exception and Coastal Site Plan Review
9. CSPR-978 – WATERFRONT MAGEE, LLC

There was no discussion on the above applications since the hearing was continued to February 1, 2016.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Discussion Regarding UCONN Dormitory Housing Amendments

Mr. Cole discussed a draft concept for dormitory housing that he had sent the Board the week before. The concept included definitions for dormitory, colleges and universities.

Mr. Michelson asked if dormitories could be treated as an accessory use.

Mr. Cole stated it might be difficult if the accessory use was at a different location than the college or university.

Mr. Cole explained his proposed amendment and identified a number of sites under consideration by UCONN. He summarized his research which included reports from the national American Planning Association (APA) and a review of around 12 regulations from other communities across the country. He stated that parking was one of the biggest issues to address. For Stamford, there is also the issue that private properties being used for dormitories might be converted back to traditional apartment units if UCONN chooses to vacate a lease after a period of time. He felt that the parking should anticipate that possibility.

Mr. Cole reviewed the elements of the draft standards and pointed out that many communities included regulations on the operation and maintenance of dormitories.

Ms. McManus asked if UCONN had indicated how many parking spaces were available in their existing garage.

Mr. Cole stated we had not received that information but agreed it would be helpful information.

Mr. Stein asked how this will proceed.

Mr. Cole stated that UCONN wanted to create a short list of four sites by February, so it will take some time, but the Board can use this time to come up with regulations.

Mr. Michelson said he would like more information on the type of housing - undergraduate? graduate? faculty?

Mr. Cole stated that faculty housing was not included in the current concept for this regulation.

It was decided that Mr. Cole would continue to refine this concept and bring it back to the Board for further discussion.

Ms. McManus moved to adjourn the meeting at 10:10 p.m. seconded by Ms. Gwodziowski and the motion passed 5:0 (Michelson, Morris, Stein, McManus and Gwodziowski in favor).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board